

REMARKS

Filed concurrently herewith is a Request for a Three-Month Extension of Time which extends the shortened statutory period for response to June 29, 2005. Accordingly, it is respectfully submitted that Applicants' response is being timely filed.

The Official Action dated December 29, 2004 has been received and its contents carefully noted. In view thereof, claims 38, 41, 57 and 58 have been canceled in their entirety without prejudice nor disclaimer of the subject matter set forth therein. Further, claims 39, 40, 54, 55, 56, 61, 70 and 71 have been amended in order to better define that which Applicants' regard as the invention. Accordingly, claims 39, 40, 42-56, 59-61, 70 and 71 are presently pending in the instant application.

With reference now to the Official Action and particularly page 3 thereof, claims 38-41, 48-50, 52, 54-55 and 70-71 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,237,146 issued to Richards et al. This rejection is respectfully traversed in that the patent to Richards et al. neither discloses nor suggests that which is presently set forth by Applicants' claimed invention.

Initially, with respect to independent claim 38, as can be seen from the foregoing amendments, this claim has been canceled and consequently further discussion with respect thereto is no longer believed to be warranted.

With respect to each of independent claims 39, 40, 54, 55, 56, 70 and 71, as the Examiner can appreciate from the foregoing amendments, the present invention is directed to a system wherein the television receivers receive determining data for determining initial transmission scheduling time and retrieval information containing a retrieval period transmitted by the broadcasting station. The system further performs the process of 1) transmitting the response information when the initial transmission schedule time comes, 2) when those

communications are established between the television receivers and the response information receiving equipment, adding the retrial period to the initial transmission scheduling time to calculate retrial transmissions scheduling time, and transmitting the retrial information at the calculated scheduling time, 3) when the transmission of the retrial information has failed, calculating a subsequent retrial transmission scheduling time by adding the retrial period to the retrial transmission scheduling time and repeating the process for retransmitting the retrial information at the subsequent retrial transmission scheduling time until the retransmission of the retrial information is successful.

Consequently, in accordance with the present information, data for determining initial transmission scheduling time used for generating random numbers and a retrial period are transmitted at the first transmission. By calculating the initial transmission scheduling item with random numbers at each receiver, the initial transmission scheduling time can be varied from each of the receiving sides even when there is a one- to-many relationship as is the case with broadcasting. Further, as is set forth by Applicants' claimed invention, the response time is determined by adding a retrial period to the initial transmission scheduling time. Since the initial transmission scheduling time is calculated with random numbers at each receiver, the response time is varied in accordance with Applicants' claimed invention.

In rejecting Applicants claimed invention, the Examiner notes that Richards et al. discloses that the initial transmission scheduling times with the response information receiving equipment are specified after being randomly generated based on received delay information from the AMI 23 as noted from column 5, line 35 through column 6 line 60 and column 7, lines 2-25 of the Richards et al. reference. However, it is noted that there is no disclosure that the DVHT performs random calculation according to delay information received from the AMI 23 in the Richards et al. reference. To the contrary, this reference

discloses that “this randomization function is now done at the cable head end 12” and “the DVHT (set top box) should have minimal memory” as recited in column 6, lines 56-65 of Richards et al. Accordingly, it is respectfully submitted that the Richards et al. reference may disclose random calculation at the AMI, however, there is no teaching nor remote suggestion to carry out a random calculation at the DVHT, and in fact such calculation is undesirable as set forth in the Richards et al. reference. Accordingly, it is respectfully submitted that Applicants’ claimed invention as set forth in each of independent claims 39, 40, 54, 55, 56, 70 and 71 as well as those claims which depend therefrom clearly distinguish over the teachings of Richards et al. and are in proper condition for allowance.

With reference to paragraph 5 of the Office Action, claims 42, 51, 53 and 59 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Richards et al. This rejection is likewise respectfully traversed in that the patent to Richards et al. as noted hereinabove, fails to disclose nor does this reference render obvious that which is presently set forth by Applicants’ claimed invention.

In this regard, each of claims 42, 51, 53 and 59 are directly dependent upon either independent claim 40 or 56. Accordingly, for the reasons discussed hereinabove with respect to each of these independent claims, it is respectfully submitted that claims 42, 51, 53 and 59 likewise clearly distinguish over the teachings of Richards et al. and are in proper condition for allowance.

With reference to paragraph 6 of the Office Action, claims 43, 47 and 60 have been rejected under 35 U.S.C. §103(a) as being unpatentable of Richards et al. in view of U.S. Patent No. 5,966,636 issued to Corrigan et al. Again, this rejection is respectfully traversed in that the patent to Corrigan et al. does nothing to overcome the aforementioned shortcomings associated with the teachings of Richards et al.

As the Examiner can readily appreciate, claims 43 and 47 depend either directly or indirectly from independent claim 40 and claim 60 depends from independent claim 56. Accordingly, in that the patent to Corrigan et al. fails to overcome the aforementioned shortcomings associated with the teachings of Richards et al. with respect to independent claims 40 and 56, it is respectfully submitted that each of dependent claims 43, 47 and 60 are likewise in proper condition for allowance.

Turning now to paragraph 7 of the Office Action, claims 44-46 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Richards et al. in view of Corrigan et al. and further in view of U.S. Patent No. 6,012,086 issued to Lowell. Again, this rejection is likewise respectfully traversed in that the patent to Lowell does nothing to overcome the aforementioned shortcomings associated with the previous combination set forth by the Examiner.

While Lowell may disclose the use of alternate phone numbers or sources, this reference clearly fails to overcome the aforementioned shortcomings associated with the teachings of Richards et al. as it applies to independent claim 40. Accordingly, it is respectfully submitted that claims 44-46 which include all the limitations of independent claim 40 clearly distinguish over the combination proposed by the Examiner and are in proper condition for allowance.

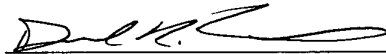
With reference now to paragraph 8 of the Office Action, claim 61 has been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,270,809 issued to Gammie et al. in view of Richards et al. This rejection is respectfully traversed in that the combination proposed by the Examiner neither discloses nor suggests that which is presently set forth by Applicants' claimed invention.

In rejecting Applicants' claimed invention, the Examiner notes that Gammie et al. does not explicitly disclose the claimed limitations that "wherein said tuner determines data for determining initial transmission scheduling time and retrieval information transmitted by said broadcasting station at the same time and said control program retransmits said response information according with said retrieval information when communication with the response information is unsuccessful". In view thereof, the Examiner relies on the teachings of Richards et al. stating that this reference specifically teaches that the set-top box/receiver or DVHT which inherently includes a tuner determines data for determining initial transmission scheduling time and retrieval information transmitted by the broadcasting station at the same time. However, as noted hereinabove, it is respectfully submitted that Richards et al. when taken alone or used to modify the teachings of Gammie et al. fails to disclose or suggest that the DVHT performs random calculation according to delay information received from the AIM 23. That is, the Richards et al. reference discloses that "this randomization function is now done at the cable head end 12" and "the DVHT should have minimal memory" as recited in column 6, lines 56-65. Accordingly, it is respectfully submitted that Richards et al. fails to disclose or remotely suggest carrying out random calculation at the DVHT and further states that such calculation is undesirable. Accordingly, it is respectfully submitted that Applicants' claimed invention as set forth in independent claim 61 clearly distinguishes over the combination proposed by the Examiner and is in proper condition for allowance.

Therefore, in view of the foregoing it is respectfully requested that the rejections of record be reconsidered and withdrawn by the Examiner, that claims 39, 40, 42-56, 59-61, 70 and 71 be allowed and that the application be passed to issue.

Should the Examiner believe a conference would be of benefit in expediting the prosecution of the instant application, he is hereby invited to telephone counsel to arrange such a conference.

Respectfully submitted,



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